PTO/SB/08A (08-03) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE required to respond to a collection of information unless it contains a valid OMB control nu Under the paperwork Reduction Complete if Known Substitute for form 1449 PTOJUN 2 0 2005 10/658 089 Application Number INFORMATION DESCLOSURE Filing Date 09/09/2003 STATEMENT BY A First Named Inventor Reilev 3738 (Use as many sheets as neces Art Unit Examiner Name Isabella of 29914.701.409

Attorney Docket Number U.S. PATENT DOCUMENTS

Examiner	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant	
Initials*	No.	Number-Kind Code ² (If known)		**	Relevant Passages or Relevant Figures Appear	
		US-2004/0059429	03/25/2004	Amin et al.		
		US-2005/0049705	03/03/2005	Hale et al.		
		US-3,867,728	02/25/1975	Stubstad et al.		
		US-3,875,595	04/08/1975	Froning		
		US-4,349,921	09/21/1982	Kuntz		
		US-4,759,769	07/26/1988	Hedman et al.		
		US-4,772,287	09/20/1988	Ray et al.		
		US-4,863,477	09/05/1989	Monson		
		US-4,904,260	02/27/1990	Ray et al.		
		. US-4,911,718	03/27/1990	Lee et al.		
		US-5,047,055	09/10/1991	Bao et al.		
		US-5,071,437	12/10/1991	Stoffec		
		US-5,147,404	09/15/1992	Downey		
		US-5,171,280	12/15/1992	Baumgartner		
		US-5,192,326	03/09/1993	Bao et al.		
	T .	US-5,306,308	04/26/1994	Gross et al.		
_		US-5,306,309	04/26/1994	Wagner et al.		
		US-5,370,697	12/06/1994	Baumgartner		
		US-5,401,269	03/28/1995	Buttner-Janz et al.		
		US-5,437,672	08/01/1995	Alleyne		
	-	US-5,458,642	10/17/1995	Beer et al.		
-		US-5,458,643	10/17/1995	Oka et al.		
		US-5,514,180	05/07/1996	Heggeness et al.		
		US-5,534,028	07/09/1996	Bao et al.		
		US-5,534,030	07/09/1996	Navarro et al.		

Examiner Considered Signature *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

cation to applicant. Applicant's unique citation designation number (optional). 2See Kinds Codes of considered. Include copy of this form with next comm USPTO Pagent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST .3). For Japan patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. "Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Sheet

Receipt date: 06/20/2005

Approved for use through 07/31/2006. OMB 0651-0031

Under the	paperwork Rea	duction A	ct of 1995, no person		formation unless it contains a valid OMB control number.	
				Complete if Known		
Substitute fo	or form 1449	P/PTO		Application Number	10/658,089	
INFORM	IATION	DISC	LOSURE	Filing Date	09/09/2003	
STATEM	MENT BY	APP	LICANT	First Named Inventor	Reiley	
(Use as	(Use as many sheets as necessary)			Art Unit	3738	
	*			Examiner Name	Isabella	
Sheet	2	of	4	Attorney Docket Number	29914.701.409	

U.S. PATENT DOCUMENTS

	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or	Pages, Columns, Lines, Where	
Initials*	No.'	Number-Kind Code ² (if known)	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear	
		US-5,545,229	08/13/1996	Parsons et al.		
		US-5,556,431	09/17/1996	Buttner-Janz		
		US-5,571,189	11/05/1996	Kuslich		
		US-5,645,597	07/08/1997	Krapiva		
		US-5,653,762	08/05/1997	Pisharodi		
		US-5,674,295	10/07/1997	Ray et al.		
		US-5,674,296	10/07/1997	Bryan et al.		
		US-5,676,701	10/14/1997	Yuan et al.	-	
		US-5,683,464	11/04/1997	Wagner et al.		
		US-5,702,450	12/30/1997	Bisserie		
		US-5,716,415	02/10/1998	Steffee		
		US-5,824,093	10/20/1998	Ray et al.		
		US-5,824,094	. 10/20/1998	Serhan et al.		
		US-5,865,846	02/02/1999	Bryan et al.		
		US-5,868,745	02/09/1999	Alleyne		
		US-5,893,889	04/13/1999	Harrington		
		US-6,001,130	12/14/1999	Bryan et al.		
		US-6,014,588	01/11/2000	Fitz		
		US-6,019,792	02/01/2000	Cauthen		
		US-6,039,763	03/21/2000	Shelokov		
		US-6,063,121	05/16/2000	Xavier et al.		
		US-6,066,325	05/23/2000	Wallace et al.		
		US-6,080,157	06/27/2000	Cathro et al.		
		US-6,113,637	09/05/2000	Gill et al.		
		US-6,132,465	10/17/2000	Ray et al.		
xaminer	Τ			Date		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not *ExAMPLE*: Initial if reference considered, whether or not calabon as in conformation with DMPS** 009. Dawn line through clifficin it not in conformation and provided the conformation of the conformation of

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Considered

Receipt date: 06/20/2005

PTO/SB/08A (08-03) -Approved for use through 07/31/2006. OMB 0651-0031

Approved for use through 0/31/2006. OMB 0031-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

in page 2007 of information unless it contains a valid OMB control number.

Onder the paperwork reduction rect of 1993, no persons				s required to respond to a collection of information unless it contains a valid OMB control number Complete if Known		
Substitute fo	or form 1449	/PTO		Application Number	10/658,089	
INFORM	IATION I	DISC	LOSURE	Filing Date	09/09/2003	
STATEM	IENT BY	APP	LICANT	First Named Inventor	Reiley	
(Use as	(Use as many sheets as necessary)			Art Unit	3738	
				Examiner Name	Isabella	
Sheet	3	of	4	Attorney Docket Number	29914.701.409	

Examiner Initials*	Cite No.1	Foreign Patent Document Country Code' - Number' - Kind Code' (f known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		DE 10135771 A1	02/20/2003	Aesculap AG & Co.	- "	x
		JP 10179622 A2	07/07/1998	Mizuho Ika Kogyo KK		X
		WO 98/48717 A1	11/05/1998	Taylor, Jean		x
		WO 99/23963 A1	05/20/1999	Dimso		x
		WO 00/38582 A1	07/06/2000	Nuvasive, Inc.		Т
		WO 01/30248 A1	05/03/2001	Reiley, Mark A.		Т
		WO 03/101350 A1	12/11/2003	Archus Orthopedics Inc.		Т
		WO 2004/071358 A1	08/26/2004	Archus Orthopedics Inc.		T
					-	T
						Г
						Г

LEXAMINET. Intil if informer considered, whether or not citation in its conformance with NDPD 2003. These little through distillation if not in conformance and not considered. Include copy of this form with next communications in suplicant. "Applicativat insuper citation designation number (positional." See Kinds Codes of USFTO Pheter Documents at www supto ago or NPEPP 901.04. "Enter Office that issued the document, by the two-letter code (WIPO Standard ST 1.3). "For Japanes present documents, this indication of the year of the region of the Emperor must precede the serial number of the pheter document. Visit of document by the appropriate symbols is indicated on the document under WIPO Standard ST 1.6 if possible. "Applicant is to place a check mark her of English language Translation is stateded." This collection of information is required by 3 TC RF 1.9 and 1.98. The informations is required to beatin or certain a benefit by the polish which is to fle (and by the USFTO is process) as application. Confidentiality is governed by 3 U SC 1.22 and 3 TC RF 1.14. This collection is citationed to the 2 hours to complete, including application, and submitting the completed applications from two the USFTO. Then will vary depending upon the individual case. Any comments on the design of the complete depositions of the USFTO is possible and the process of the complete depositions of the USFTO is possible and the process of the possible and the process of the USFTO is possible and the USFTO is possible and submitted the completed application of more than USFTO. Then will vary depending upon the individual case. Any comments on the USFTO is possible and the USFTO

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Receipt date: 06/20/2005

PTO/SB/08B (08-03) Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known Substitute for form 1449/PTO 10/658,089 Application Number INFORMATION DISCLOSURE Filing Date 09/09/2003 STATEMENT BY APPLICANT First Named Inventor Reiley (Use as many sheets as necessary) Art Unit 3738 Examiner Name 1sabella 29914.701.409 Attorney Docket Number Sheet 4 of 4

NON PATENT LITERATURE DOCUMENTS

Examiner	Cite	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),	- 0
Examiner Initials*	No.1	publisher, city and/or country where published.	T ²
		GOH, JC et al., "Influence of PLIF cage size on lumbar spine stability", Spine, (January	
		2000), 25(1) Medline abstract (one page).	
		HEAD, WC, "Wagner surface replacement arthroplasty of the hip. Analysis of fourteen	
		failures in forty-one hips", J Bone Joint Surg. Am., (March 1981) 63(3), Medline	
		abstract (one page).	
		KHOO, LT et al., "A biomechanical analysis of the effects of lumbar fusion on the	
	!	adjacent vertebral motion segment", Proceedings of the 2000 Annual Meeting of the	
		North American Spine Society, New Orleans.	
		KOTANI, Y. et al., "The effects of spinal fixation and destabilization on the	
		biomechanical and histologic properties of spinal ligaments. An in vivo study.", Spine,	
		(March 15, 1998) 23(6), Medline abstract (2 pages).	
		LEMAIRE, IP et al., "Intervertebral disc prosthesis: results and prospects for the year 2000", Clinical Orthopaedics and Related Research, No. 337, pp. 64-76.	
		2000 , Chinical Orinopaeales and Related Research, No. 337, pp. 04-70.	
		NAGATA, H. et al., "The effects of immobilization of long segments of the spine on	
		the adjacent and distal facet force and lumbrosacral motion", Spine, (December 1993),	
		18(16):2471-2479, (9 pages).	
		NIBU, K. et al., "Multidirectional stabilizing potential of BAK interbody spinal fusion	
		system for anterior surgery [see comments]", J Spinal Discord, (August 1997), 10(4),	
		Medline abstract (one page).	
		TSANTRIZOS, A. et al., "Segmental stability and compressive strength of posterior	
		lumbar interbody fusion implants", Spine, (August 1, 2000) 25(15), Medline abstract	
		(one page).	
		X X	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

/Christopher Prone/

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3103396_1.DOC

Examiner

signature

Date

Considered

09/21/2010

considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CRF 198. The information is required to obtain or retain a benefit by the public which is to file (and by the USFTO) to process) an application. Confiderability is governed by \$5 U.S. C.12 and \$37 CFR 11.4. This collection is estimated to take IZ mituted to complete, including gubering, preparing, and submitting the completed application form to the USFTO. Time will vary depending upon the individual case. Any comments on the anount of time you require to complete this form and/or suggestions for reclaims this buttent, should be sent to the Chief Immission Officer, U.S. Patent and Timedemark Office, P.O. Box 1450, Alexandria, V.A. 2213-1459. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, V.A. 2213-1459.